



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

DEC 10 2009

OFFICE OF  
REGIONAL COUNSEL

*Certified Mail/Return Receipt Requested*

P. Scott Burton, Esq.  
Hunton and Williams LLP  
550 S. Hope Street, Suite 2000  
Los Angeles, CA 90071-2627

Re: Administrative Consent Order for Nu-West Industries Idaho Facility  
EPA ID Number IDD 000 466 888

Dear Mr. Burton:

Enclosed please find a duplicate original of the Amendment to Paragraph 68 of the above referenced Administrative Order on Consent (Consent Order) executed by Nu-West Industries, Inc. and the U.S. Environmental Protection Agency.

If you have any questions, please do not hesitate to contact me. The Agency does appreciate the cooperation of Nu-West Industries in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Boyd".

Andrew Boyd  
Associate Regional Counsel

Enclosure

cc: James Cagle, Nu-West Industries (w/enclosure)  
Darrell Early, Deputy Attorney General, Office of the Idaho Attorney General (w/enclosure)  
Brian Monson, Idaho Department of Environmental Quality (w/enclosure)

bcc: P. Magolske

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

IN THE MATTER OF:

ADMINISTRATIVE ORDER  
ON CONSENT

Nu-West Industries, Inc. )  
d/b/a Agrium Conda Phosphate )  
Operations )  
3010 Conda Road )  
Soda Springs, Idaho 83276 )

RESPONDENT )

EPA ID No. IDD 000 466 888 )  
\_\_\_\_\_ )

Docket No: RCRA-10-2009-0186

Proceeding under Section 3013(a) of the  
Resource Conservation and Recovery Act,  
as amended, 42 U.S.C. § 6934(a)

AMENDMENT

In accordance with Paragraph 127 of the Administrative Order on Consent, Nu-West Industries, Inc. and the U.S. Environmental Protection Agency hereby amend Paragraph 68 to read as follows:

EPA will review Respondent's work plans, draft and final reports, and any other documents submitted pursuant to this Consent Order ("submissions"); with the exception of expedited data submitted pursuant to Paragraphs 57 and 58, sampling and test results submitted pursuant to Paragraph 89, progress reports, and the HASP; and will notify Respondent in writing of EPA's approval or disapproval of each such submission. In the event of EPA's disapproval, EPA shall specify in writing any deficiencies in the submission. Such disapproval shall not be subject to the dispute resolution procedures of Section XVII., below.

This amendment shall be effective as of the date it has been signed below by both Nu-West Industries Inc. and the U.S. Environmental Protection Agency.

In the Matter of: Nu-West Industries, Inc.  
Docket No. RCRA-10-2009-0186

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IT IS SO AGREED:

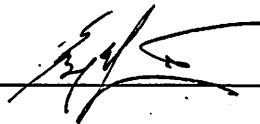
DATE: 12/3/09

BY: 

Edward J. Kowalski, Director  
Office of Compliance and Enforcement  
Region 10

FOR EPA

DATE: 11.19.09

BY: 

Name: Erik Vettergren

Title: Plant Manager, CPO

Address: 3010 Conda Rd

Soda Springs ID 83276

FOR RESPONDENT